

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

OTSUKA PHARMACEUTICAL CO.,)	
LTD.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 13-1979 (RGA)
)	
PAR PHARMACEUTICAL, INC.,)	
)	
Defendant.)	

**OTSUKA PHARMACEUTICAL CO., LTD.'S
MOTION FOR JUDGMENT ON THE PLEADINGS**

Pursuant to Fed. R. Civ. P. 12(c), plaintiff Otsuka Pharmaceutical Co., Ltd. (“Otsuka”) hereby moves for judgment on the pleadings on Count I against defendant Par Pharmaceutical, Inc. (“Par”) because Par’s purported Paragraph IV notice was improper, null, void, and without legal effect.

Because Otsuka is entitled to judgment on Count I, Otsuka’s alternative Counts II and III should be dismissed without prejudice and Par’s declaratory counterclaims should be dismissed for lack of subject matter jurisdiction or in the exercise of the Court’s discretion. Otsuka’s Motion is supported by the attached Opening Brief.

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January 16, 2014

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)	
Defendant.)	

ORDER

AND NOW, this ____ day of _____, 2014, upon consideration of the Motion of plaintiff Otsuka Pharmaceutical Co., Ltd. for Judgment on the Pleadings and any response thereto, it is hereby ORDERED:

1. That the Motion is GRANTED with regard to Count I.
2. That Plaintiff's alternative counts (Counts II and III) are hereby DISMISSED WITHOUT PREJUDICE.
3. That defendant Par Pharmaceutical, Inc.'s counterclaims against Plaintiff are hereby DISMISSED WITHOUT PREJUDICE.

J.

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2014, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on January 16, 2014, upon the following in the manner indicated:

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